

REMARKS

In the instant Office Action, claims 1-25 are listed as pending and all claims are subject to a restriction requirement. Claims 2-5, 7, and 16-25 are amended solely in response to the restriction requirement.

The Examiner alleges that the following groups of claims define patentably-distinct inventions:

- I. Claims 1-6, drawn to a method of combating cancer by administering Ginkgo biloba extracts;
- II. Claims 7-16, drawn to a method of decreasing the expression of peripheral-type benzodiazepine receptors by administering Ginkgo biloba extracts;
- III. Claim 17, drawn to a method of increasing the expression of c-Myc protooncogene by administering Ginkgo biloba extracts;
- IV. Claim 18, drawn to a method of decreasing the expression of cell cycle regulators by administering Ginkgo biloba extracts;
- V. Claim 19, drawn to a method of decreasing the expression of intracellular signal transduction modulators by administering Ginkgo biloba extracts;
- VI. Claim 20, drawn to a method of decreasing the expression of apoptosis-related products by administering Ginkgo biloba extracts;
- VII. Claim 21, drawn to a method of decreasing the expression of transcription factors by administering Ginkgo biloba extracts;
- VIII. Claim 22, drawn to a method of decreasing the expression of growth factors by administering Ginkgo biloba extracts;

IX. Claim 23, drawn to a method of decreasing the expression of cell adhesion molecules by administering Ginkgo biloba extracts; and

X. Claim 24, drawn to a method of decreasing the expression of genes by administering Ginkgo biloba extracts.

The Examiner is silent on the grouping of claim 25, drawn to a pharmaceutical composition comprising an effective amount of Ginkgo biloba extracts or isolated Ginkgolide B for combating cancer and a pharmaceutically acceptable carrier or diluent.

The Examiner alleges that separate inventions exist because "the decreases or increases of various parameters recited in the species set forth above are different biochemical parameters which are not technically related to each other." Applicants traverse this requirement and request consideration of all claims together in this application for the reasons set forth below.

Applicants submit that all claims are drawn to a method of treating cancer in a patient by administering Ginkgo biloba extracts or isolated Ginkgolide B. Applicants submit that while different biochemical parameters may be affected by treatment with the Ginkgo biloba extracts or isolated Ginkgolide B, the single method proposed to combat cancer in a patient is the administration of a plant extract. In fact, it is likely that the administration of the Ginkgo biloba extracts or Ginkgolide B will affect many biochemical parameters, which neither the inventors nor the patient can separate. The Applicants are not requesting examination of the various biochemical parameters affected by administering a plant extract of the invention, but of the method treating cancer by administering the extract, regardless of the mechanism by which the extract is effective. Applicants submit that it is not an undue burden to the Examiner to

search for the treatment of cancer using Ginkgo biloba extracts or Ginkgolide B, regardless of the biochemical parameter(s) affected.

Applicants submit that in view of the foregoing remarks, all of the claims herein are seen to relate to a single inventive concept, namely that of treating cancer with specific plant extracts, and that the claims are in a form and are of the sort that is properly viewed as relating to a single invention that should not be restricted. Applicants respectfully request that the restriction requirement of the Office Action of June 24, 2004 be reconsidered and withdrawn.

Although, for reasons set forth above, Applicants believe that the restriction is improper, and without in any way acquiescing in the reasons for the requirements set forth in the Office Action, but in order to be fully responsive to the Office Action, Applicants provisionally elect for examination of the claims of Group I, i.e., claims 1-6, drawn to a method of combating cancer by administering Ginkgo biloba extracts or isolated Ginkgolide B.

Claim 1 remains as an independent claim. Applicants have amended claims 2, 7, and 17-25 to depend from claim 1. Claims 3, 4 and 5 are now dependent upon claim 2. Claim 16 is now dependent upon claim 7. Claim 6 remains dependent upon claim 5 and claims 8-15 remain dependent upon claim 7. All claims are thus drawn to a method of combating cancer in a patient which comprises administering an effective amount of Ginkgo biloba extracts or isolated Ginkgolide B to the patient. While many biochemical pathways may be affected to achieve treatment, a single method is employed.

Reconsideration of the instant Office Action, entry of the amendments submitted herewith, and allowance of all pending claims are respectfully requested. Prompt and favorable action is solicited.

Date:

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Respectfully submitted,

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